

-- REMARKS --

The present amendment replies to an Office Action dated July 19, 2006. Claims 1-23 are pending in the present application. In the Office Action, the Examiner rejected pending claims 1-23 on various grounds. The Applicants respond to each ground of rejection as subsequently recited herein and respectfully request reconsideration of the present application.

Throughout the Office Action, the Examiner failed to clearly articulate rejections by pointing out where the Applicants' claimed elements could be found in the cited reference. Instead, the Examiner entirely omitted any particular cite of repeatedly cited column 4 lines 9-59 and columns 5-12 lines 1-67, which spans nine columns over five printed pages. The goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity. *See* MPEP 706. Should the Examiner maintain the rejection of pending claims, the Applicants respectfully request that the Examiner provide specific direction as to where the claimed elements can be found.

35 U.S.C. §102

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the . . . claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Thus, to warrant the §102 rejection, the references cited by the Examiner must show each and every limitation of the claims in complete detail. The Applicants respectfully assert that the cited reference fails to do so.

Claims 1-23 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,078,907 to Lamm (the *Lamm* patent).

The Applicants respectfully assert that the *Lamm* patent fails to teach or suggest all the claim limitations. The *Lamm* patent is directed to a system and method for preparing and electronically delivering a bill to a billed party. *See* Abstract. The Applicants' invention is directed to an electronic payment system and method allowing payment by a single action over any electronic funds transfer network and using any pre-determined local or international electronic funds transfer and settlement network. *See* Abstract.

A. The *Lamm* patent fails to disclose, teach, or suggest:

an electronic payment system for a customer to direct payment over an electronic funds transfer network from an originating bank, comprising:

means for receiving payment input data;

means for storing funds transfer static data;

means for storing funds transfer status data;

means for generating funds transfer data from the payment input data, the funds transfer static data, and the funds transfer status data; and

means for generating a funds transfer instruction from the funds transfer data, wherein the funds transfer data is appropriate to the originating bank and the electronic funds transfer network, as recited in independent claim 1.

The specific elements are discussed in detail below. While the specification is not to be read into the claims, the verbiage of the claims must be considered to possess their ordinary usage as would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant's specification. *See* MPEP 2111.

The *Lamm* patent fails to disclose means for receiving payment input data as recited in independent claim 1, which contains the customer ID, payment amount, and date. *See* US 2002/0055907 – Figure 3; [0016]. At most, the *Lamm* patent discloses receipt of payment instructions 152 by the electronic post office 16. *See* Figure 5; column 15, lines 43-45.

The *Lamm* patent fails to disclose means for storing funds transfer static data as recited in independent claim 1, which includes where the payment funds originate, how they are to be transferred, and where they are to go. *See* US 2002/0055907 - [0012]. At most, the *Lamm* patent discloses building an authentication database 17 containing information so that the billing party and the electronic post office 16 can communicate with the consumer's computer 12, and providing enrollment data that may include secured billing information that will allow a billing party to debit funds from a consumer's account or charge a consumer's credit account upon authorization from the consumer. *See* Figures 3, 5; column 9, lines 12-57.

The *Lamm* patent fails to disclose means for storing funds transfer status data as recited in independent claim 1, which records the steps of the payment transaction. *See* US 2002/0055907 - Figure 3; [0017]. At most, the *Lamm* patent discloses that a billing history database 36 may contain billing information that has been transmitted to the consumer computer 12 from the electronic post office 16. *See* Figure 2; column 5, line 67 through column 6, line 67.

The *Lamm* patent fails to disclose means for generating funds transfer data from the payment input data, the funds transfer static data, and the funds transfer status data as recited in independent claim 1, which involves taking payment input data, adding funds transfer static data for the identification number corresponding to the customer ID, adding funds transfer status data, and storing the result as funds transfer data. *See* US 2002/0055907 - [0017]. At most, the *Lamm* patent discloses payment instructions 152 from the consumer at block 122 containing only non-sensitive information, such as the date to pay the bill, the amount to pay, and a funds source identifier corresponding to the payment method the consumer wishes to use. *See* Figure 5; column 15, lines 46-62.

The *Lamm* patent fails to disclose means for generating a funds transfer instruction from the funds transfer data, wherein the funds transfer data is appropriate to the originating bank and the electronic funds transfer network as recited in independent claim 1, where the funds transfer

interface 62 contains an arrangement of rules and formats for making a transfer from any given bank over any electronic funds transfer network. *See* US 2002/0055907 - [0032]. At most, the *Lamm* patent discloses that the processor may prepare and electronically send ACH payments. *See* Figure 5; column 16, lines 35-38.

Claims 2-16 depend directly or indirectly from independent claim 1 and so include all the elements and limitations of independent claim 1. The Applicants therefore respectfully submit that dependent claims 2-16 are allowable over the *Lamm* patent for at least the same reasons as set forth above with respect to independent claim 1.

Withdrawal of the rejection of claims 1-16 under 35 U.S.C. §102(e) as being anticipated by the *Lamm* patent is respectfully requested.

B. The *Lamm* patent also fails to disclose, teach, or suggest:

an electronic payment method for a customer to direct payment over an electronic funds transfer network from an originating bank, comprising the steps of:

establishing funds transfer static data;

completing a transaction to the point of payment;

pushing a payment button to transmit payment input data;

creating funds transfer status data;

adding the funds transfer static data and the funds transfer status data to the payment input data to form funds transfer data;

monitoring the funds transfer data and conditions to see if the transfer should be executed;

waiting if the conditions are not met;

extracting funds transfer instructions from the funds transfer data by applying a funds transfer interface if the conditions are met; and

sending the funds transfer instructions to the originating bank, as recited in independent claim 17.

The specific elements are discussed in detail below. While the specification is not to be read into the claims, the verbiage of the claims must be considered to possess their ordinary usage as would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant's specification. *See* MPEP 2111.

The *Lamm* patent fails to disclose establishing funds transfer static data as recited in independent claim 17, which includes where the payment funds originate, how they are to be transferred, and where they are to go. *See* US 2002/0055907 - [0012]. At most, the *Lamm* patent discloses building an authentication database 17 containing information so that the billing party and the electronic post office 16 can communicate with the consumer's computer 12, and providing enrollment data that may include secured billing information that will allow a billing party to debit funds from a consumer's account or charge a consumer's credit account upon authorization from the consumer. *See* Figures 3, 5; column 9, lines 12-57.

The *Lamm* patent fails to disclose completing a transaction to the point of payment as recited in independent claim 17, which involves selecting the items to be purchased or the bill to be paid and calculating a final payment amount. *See* US 2002/0055907 - [0014]. At most, the *Lamm* patent discloses presentment 92 of the bill to the consumer. *See* Figure 5; column 10, lines 13-17.

The *Lamm* patent fails to disclose pushing a payment button to transmit payment input data as recited in independent claim 17, which sends the funds transfer data and processing host 40 payment input data 12 through the single action of pushing payment button 22. *See* US 2002/0055907 - [0027]. At most, the *Lamm* patent discloses that the consumer electronically pays the bill by preparing an EPO-mail payment instruction message. *See* Figure 5; column 10, lines 13-17.

The *Lamm* patent fails to disclose creating funds transfer status data as recited in independent claim 17, which records the steps of the payment transaction. *See* US 2002/0055907 - Figure 3; [0017]. At most, the *Lamm* patent discloses that a billing history database 36 may contain billing information that has been transmitted to the consumer computer 12 from the electronic post office 16. *See* Figure 2; column 5, line 67 through column 6, line 67.

The *Lamm* patent fails to disclose adding the funds transfer static data and the funds transfer status data to the payment input data to form funds transfer data as recited in independent claim 17, which involves taking payment input data, adding funds transfer static data for the identification number corresponding to the customer ID, adding funds transfer status data, and storing the result as funds transfer data. *See* US 2002/0055907 - [0017]. At most, the *Lamm* patent discloses payment instructions 152 from the consumer at block 122 containing only non-sensitive information, such as the date to pay the bill, the amount to pay, and a funds source identifier corresponding to the payment method the consumer wishes to use. *See* Figure 5; column 15, lines 46-62.

The *Lamm* patent fails to disclose monitoring the funds transfer data and conditions to see if the transfer should be executed as recited in independent claim 17, which includes checking the funds transfer status data of the funds transfer data to determine when the funds transfer instruction should be generated and sent. *See* US 2002/0055907 - [0018]. At most, the *Lamm* patent discloses that the billing party or processor may regularly request payment information from the electronic post office 16. *See* Figure 5; column 16, lines 21-23.

The *Lamm* patent fails to disclose waiting if the conditions are not met, as recited in independent claim 17. *See* US 2002/0055907 - [0040]. At most, the *Lamm* patent discloses that the billing party or processor may regularly request payment information from the electronic post office 16. *See* Figure 5; column 16, lines 21-23.

The *Lamm* patent fails to disclose extracting funds transfer instructions from the funds transfer data by applying a funds transfer interface if the conditions are met as recited in independent claim 17, where the funds transfer interface 62 contains an arrangement of rules and formats for making a transfer from any given bank over any electronic funds transfer network. *See* US 2002/0055907 - [0032]. At most, the *Lamm* patent discloses that the processor may prepare and electronically send ACH payments. *See* Figure 5; column 16, lines 35-38.

The *Lamm* patent fails to disclose sending the funds transfer instructions to the originating bank as recited in independent claim 17. *See* US 2002/0055907 - [0019]. At most, the *Lamm* patent discloses that a billing party or processor requests payment information. *See* Figure 5; column 16, lines 23-24.

Claims 18-21 depend directly or indirectly from independent claim 1 and so include all the elements and limitations of independent claim 17. The Applicants therefore respectfully submit that dependent claims 18-21 are allowable over the *Lamm* patent for at least the same reasons as set forth above with respect to independent claim 17.

Withdrawal of the rejection of claims 17-21 under 35 U.S.C. §102(e) as being anticipated by the *Lamm* patent is respectfully requested.

C. The *Lamm* patent also fails to disclose, teach, or suggest:

a computer readable medium storing a computer program for electronic payment, the computer program comprising:

computer readable code for establishing funds transfer static data;

computer readable code for completing a transaction to the point of payment;

computer readable code for pushing a payment button to transmit payment input data;

computer readable code for creating funds transfer status data;

computer readable code for adding the funds transfer static data and the funds transfer status data to the payment input data to form funds transfer data;

computer readable code for monitoring the funds transfer data and conditions to see if the transfer should be executed;

computer readable code for waiting if the conditions are not met;

computer readable code for extracting funds transfer instructions from the funds transfer data by applying a funds transfer interface if the conditions are met; and

computer readable code for sending the funds transfer instructions to the originating bank, as recited in independent claim 22.

The specific elements of independent claim 22 are discussed in Section B above for the parallel elements of independent claim 17.

Claim 23 depends directly from independent claim 22 and so include all the elements and limitations of independent claim 22. The Applicants therefore respectfully submit that dependent claim 23 is allowable over the *Lamm* patent for at least the same reasons as set forth above with respect to independent claim 22.

Withdrawal of the rejection of claims 22-23 under 35 U.S.C. §102(e) as being anticipated by the *Lamm* patent is respectfully requested.

SUMMARY

Reconsideration of 1-7 and 9-21 is respectfully requested in light of the remarks herein. The Applicants submit that claims 1-7 and 9-21 fully satisfy the requirements of 35 U.S.C. §§102, 103, and 112. In view of foregoing remarks, favorable consideration and early passage to issue of the present application are respectfully requested.

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Respectfully submitted,

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